## REMARKS

Claims 1-4, 7, 8, 17-20, and 22 were examined. Claim 1 is amended without prejudice. Applicants disagree with all rejections and make these claim changes only to expedite prosecution and move to allowance as soon as possible. Applicants submit that the claim changes introduce no new matter. Support for the amendments and new claims can be found throughout the application as originally-filed. Favorable reconsideration in light of the remarks which follow is respectfully requested.

Claims 1-3, 17-20, and 22 are rejected under 35 U.S.C. 103(a) over U.S. Patent No. 5,507,767 to Maeda et al. (hereinafter "Maeda") in view of U.S. Patent No. 5,372,600 to Beyar et al. (hereinafter "Beyar"). Claim 4 is rejected under 35 U.S.C. 103(a) over Maeda in view of Beyar and further in view of U.S. Patent No. 5,123,917 to Lee et al. (hereinafter "Lee"). Claims 7 and 8 are rejected under 35 U.S.C. 103(a) over Maeda in view of Beyar and further in view of U.S. Patent No. 5,645,559 to Hachtman et al. (hereinafter "Hachtman"). Of these rejected claims, only claim 1 is an independent claim. Applicants traverse, at least for the following reasons.

Maeda describes a self-expanding endovascular stent formed of stainless steel wire which is bent into an elongated zigzag pattern having a plurality of substantially straight wire sections of various lengths separated by a plurality of bends. The zigzag pattern is helically wound about a central axis to define a tubular shape such that a majority of the bends are disposed in a helix. See, for example, Abstract and column 3, lines 4-16. "The construction of stent 30 completed by interconnecting adjacent bends of the helix with a filament 32, preferably a nylon monofilament suture." Column 3, lines 18-20.

Beyar describes a stent delivery system wherein a stent is releasably held to the distal portion of a catheter by balls 5 at the respective ends of the stent 4. The stent 4 includes a helically wound coil that can be torqued to reduce its profile, and once the stent is released from the catheter, the stent assumes a non-stressed, non-torqued condition with a larger diameter profile. See, for example, column 4, lines 18-38.

Applicants submit that the two primary reference, Maeda and Beyar, are not properly combinable and thus that the final action does not present a *prima facie* case of obviousness under 35 U.S.C. 103(a). It is asserted on pages 2 and 3 of the Office action that it would have been obvious to one of ordinary skill in the art to use the coil spacing and hooks taught by Beyar with the stent of Maeda such that the desired spacing between windings for flexibility can be established within the layers and the stent can be easily retained while delivering and released from the delivery system. The stents described in Maeda and Beyar, and methods of deploying those stents into a body lumen are very different. The zigzag pattern of the Maeda device requires radial compression along its entire length (see, e.g., FIG. 5) while the profile of the Beyar device is reduced by applying torque to one end of the stent. There is simply no reason to use the hooks taught by Beyar to connect the Maeda device to a delivery system since the Maeda device is not compressed by applying torque. Such a modification would require a substantial reconstruction and redesign of the device of Maeda and, further, would change the basic operation of the Maeda device. Such fundamentally altering modifications would not have been done by someone of ordinary skill.

Furthermore, the spacing between adjacent loops of the coil described in Beyar is irrelevant to the Maeda device since the Maeda device is a helically wound zigzag pattern instead of a unitarily formed coil. There are simply no adjacent windings that can be separated by a distance of at least about 0.5 millimeters. In short, Maeda and Beyar are very different and not properly combinable.

Accordingly, amended independent claim 1 is patentable of Maeda and Beyar. Claims 2-4, 7, 8, 17-20, and 22 depend either directly or indirectly from claim 1 and, thus, also are patentable over Maeda and Beyar. The secondary references (*i.e.*, Lee and Hachtman) are used in the action only to reject various dependent claims and only in combination with Maeda and Beyar. Applicant submits that those dependent claim rejections must necessarily be overcome given that the main references (i.e., Maeda and Beyar) have been distinguished and overcome.

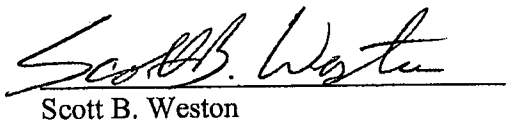
## CONCLUSION

Accordingly, it is respectfully submitted that the present application is now in condition for allowance. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

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Respectfully submitted,
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